REMARKS

Claims 1-4, 6-10 and 12-21 are pending in this application, with Claims 5 and 11 cancelled, and Claims 1 and 12 amended. The Applicants respectfully request reconsideration and review of the patent application in view of the amendments and the following remarks.

Before addressing the merits of the rejections, Applicants provide the following brief description of the invention. The invention is directed to a method and system for wirelessly communicating identifying information from model vehicles to a remote control device. In the field of model railroading, it is known to use a remote control device to communicate commands to model vehicles operating on a layout. Since there may be plural model trains operating on the layout simultaneously, the remote control device includes an identifier (ID) with each such command so that only the appropriate model train will execute the command. There are many different types of model trains available on the market that may be controlled by the remote control, with many such model trains having distinctive functionality and other characteristics, and so there is a need in the art for a method for introducing the model train to the remote control so that the remote control knows to communicate with that particular model train. A known method for accomplishing this is for the operator to manually enter identifying information (such as the ID as well as a road name, tail number, etc.) into the remote control using a keypad provided on the remote control. This method is undesirable for some model railroading enthusiasts.

The invention overcomes this drawback in the art by providing the model train and remote control with a system and method for wirelessly communicating the identifying information to the remote control. This way, the remote control can readily and easily recognize the model train, and thereafter use the ID in commands communicated to the various model trains operating on the layout. To ensure that the remote control only receives the ID from one model train at a time, the invention provides that the ID is transmitted from the model train using only a narrow spatial field,

e.g., using an infrared signal. Moreover, in an embodiment of the invention, the transmission channel used to communicate the ID is different than that used for communication of subsequent commands. Applicants have amended Claims 1 and 12 to clarify certain of these aspects of the invention.

The Examiner rejected Claims 1-17, 19 and 21 under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art in view of Borgstahl et al. (U.S. Pat. No. 5,909,183) and Nagata et al. (U.S. Pat. No. 6,970,096). The Examiner also rejected Claims 18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art in view of Borgstahl et al. ("Borgstahl"), Nagata et al. ("Nagata") and Young et al. (U.S. Pat. No. 5,749,547). The Applicants respectfully traverse these rejections.

Borgstahl provides a system in which several appliances (or peers) communicate with each other via a peer-to-peer network. *See*, *e.g.*, Abstract; Fig. 1; and col. 1, l. 65 - col. 2, l. 31. According to Borgstahl, peers are able to communicate with each other via a ***single wireless communication channel***. *See*, *e.g.*, Fig. 2, ref. 26 and col. 4, ll. 41-49. Accordingly, each peer includes a "transmit and receive" unit that is connected to an "omni-directional antenna" and is adapted to transmit data to, and receive data from, other peers via the wireless communication channel. *See* Fig. 2, ref. 38; col. 4, ll. 41-49; and col. 5, ll. 49-58.

The Examiner describes this "wireless communication channel" as a "bi-directional link," and states that it would have been obvious to combine Borgstahl with the admitted prior art. Office Action at pp. 2-4. The Applicants respectfully disagree. As described in the specification, there are two types of model train systems. A first system where commands are sent to the model train via a *wireless communication channel*, and a second system where commands are sent to the model train via a *wired communication channel* (*e.g.*, via the train tracks).

> Many model train systems include a remote control for controlling different train engines on the track, as well as for controlling accessories. The remote control

> normally sends commands ***either wirelessly or through a base device connected to the tracks***. The command will include an address, which the user typically has to key in before or after hitting the command button. Each engine sees the transmissions, ***either wirelessly, or by picking up signals sent along the tracks***. Each engine will respond to commands with the address of that engine.

See p. 2, ll. 15-21 (emphasis added). While the Applicants disagree that it would have been obvious to combine Borgstahl with the admitted prior art, such a combination would not result in the claimed invention.

Claim 1, for example, provides the steps of transmitting an identifying signal (or ID) from a first device to a remote control device ***via a first communication channel*** (*e.g.*, a wireless communication channel), and using the ID to provide a command from the remote control device to the first device ***via a second communication channel*** (*e.g.*, a wired communication channel) ***that is separate and distinct from the first communication channel***. If one tried to combine Borgstahl with the admitted prior art, the resulting device would be a model train system in which a single communication channel is used to both **(i)** transmit an ID from the train to the remote control and **(ii)** transmit commands from the remote control to the train. The communication channel, according to the admitted prior art, would either be a wireless communication channel ***or*** a wired communication channel, ***not both***. This is because there would be no need (or motivation) to use two separate channels to communicate between the remote control and the train.

Not only is there no need (or motivation) for two separate channels, but to do so would be disadvantageous in that it would require additional circuitry (*e.g.*, to communicate both over a wired communication channel and a wireless communication channel). ***Because Borgstahl, at most, discloses a bi-directional communication channel, a combination of Borgstahl and the admitted prior art would result in a model train system with a bi-directional communication channel, not a model train system with two communication channels***, *i.e.*, one to transmit an ID from the

train to the remote control, and one to transmit commands from the remote control to the train.

Nagata is cited by the Examiner for its disclosure of a system that "prevents the accidental programming of the wrong train vehicle by placing the train in a box during programming." Office Action at p. 3. While the Applicants respectfully disagree with the Examiner's characterization of Nagata, Nagata (as admitted by the Examiner) does not make up for the deficiencies of Borgstahl, as discussed above.

Specifically, neither Borgstahl, Nagata, nor the admitted prior art disclose or suggest "[a] method for identifying one of a plurality of devices in a model vehicle system, comprising: positioning a remote control device near a first one of said devices; ***transmitting an identifying signal (ID) from said first device to said remote control device via a first communication channel***, wherein said remote control device is only capable of receiving said ID from said first device when said first device is placed within a narrow spatial field emanating from said first device, so that said ID is not interfered with by transmissions from other devices; and associating said first device with the ID, so that only said first device responds to transmissions from said remote after said remote control device receives said ID; ***wherein said ID is used to provide a command from said remote control device to said first device via a second communication channel that is separate from said first communication channel***." Therefore, the rejection of Claim 1, as well as Claims 13, 14, 19 and 21, which include similar limitations, should be withdrawn. Further, the rejections of Claims 2-4, 7-10, 12, 15-18 and 20, which depend from Claims 1, 14 and 19, should also be withdrawn. While the Examiner cited Young et al. ("Young") for its disclosure of transmitting commands via a wired communication channel, Young is not prior art to the present application (*i.e.*, it was not filed before November 25, 2003), and therefore cannot be used to support a rejection of the claims over the prior art.

The Applicants also disagree with other statements included in the Office Action (*see, e.g.*, p. 4 (as to the Examiner's "official notice"). Such statements, however, are

moot in light of the foregoing remarks.

In view of the foregoing, the Applicants respectfully submit that Claims 1-4, 6-10, 12-21 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited. If it would be helpful to placing this application in condition for allowance, the Applicants encourage the Examiner to contact the undersigned counsel and conduct a telephonic interview.

To the extent necessary, Applicants petition the Commissioner for a two-month extension of time, extending to May 19, 2008 (the first business day following May 18, 2008), the period for response to the Office Action dated December 18, 2007. The Commissioner is authorized to charge $230 for the two-month extension of time, pursuant to 37 C.F.R. § 1.17(a)(2), and any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,

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Brian M. Berliner
Attorney for Applicants
Registration No. 34,549

O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071-2899
Telephone: (213) 430-6000